

Concerns About Boundaries

No.	Comment	Parties	Page #	Response
122	Boundaries are not justified/need more rationale.	City	133	These comments pertain to the July 31 st draft. Subsequently, staff provided further discussion and improved maps of boundaries in Web site postings, at the Oct 1 st community meeting, and in the Oct 21 st draft – see Tech Memo Overview (pages 1 through 3), Environmental Staff Report (pages 1-2), and cross-references in tech memos #1 though #5.
		Heal the Bay	236	
123	Eastern boundary – expand to Carbon Beach (to include dense commercial and multi-family properties (Baykeeper)/Duke's/Las Flores (Silva)).	BayKeeper	218	Staff acknowledges that there is relatively dense commercial development on PCH east of the boundary, and that many OWDSs have problems. However, staff limited the scope of this proposed prohibition to priority areas in the Civic Center area, focusing on the hydrology affecting polluted groundwater and hydraulically connected surface waters. Additional areas, such as the stretch of PCH east of the proposed prohibition, may be addressed through an enforcement strategy or future regulatory actions.
		Silna	488	
124	Western boundary – <u>contract</u> , to exclude Pepperdine...proposed boundary bisects campus.	Pepperdine	321	Staff did not use parcel boundaries in delineating the prohibition; rather, the proposed boundaries are based on technical factors, and consider the hydrology affecting polluted water resources. Staff acknowledges that the western boundary thus bisects the edge of the Pepperdine campus. Staff concurs with Pepperdine that use of recycled water on the small portion of Pepperdine property located within the prohibition boundary is not a discharge of wastewater, and that Pepperdine has backup systems in place for emergency discharge, including periods when irrigation demand is inadequate for recycling all treated wastewaters.
125	Western boundary – <u>expand</u> to include all of Malibu Rd and PCH to Corral Canyon	Silna	488	Staff acknowledges the existence of relatively dense development along PCH west of the boundary, and that many OWDSs have problems. However, staff limited the scope of this proposed prohibition to priority areas in the Civic Center area, focusing on the hydrology affecting polluted groundwater and hydraulically connected surface waters. Additional areas, may be addressed through an enforcement strategy or future regulatory actions.

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126	Western Boundary – <u>contract</u> to exclude Winter Canyon)	Groundwater doesn't flow to the lagoon.	Lady of Malibu Church	422	Staff concurs that OWDS discharges do not flow to Malibu Lagoon. OWDS discharges to Winter Canyon flow to the ocean and discharge between Malibu Beach and Amarillo Beach, where longshore current can carry flow eastward to Malibu Beach. Staff proposes to include Winter Canyon in the prohibition boundary due to impacts to groundwater and Amarillo Beach and Malibu Beach, which are hydraulically connected. Also, plants that treat large volumes of wastes in Winter Canyon have poor records of compliance. (See response to comment from Embree and Malibu Canyon Village HOA.)
		Winter Canyon groundwater is not drinkable.	Colony Plaza	266-267	Staff acknowledges that groundwater monitoring data show pollution of Winter Canyon groundwater. However, there has been historical production of groundwater in Winter Canyon, and the <i>Basin Plan</i> recognizes groundwater as potential MUN. Staff is required to consider all MUN designations as the beneficial use standard until amended by the Regional Board. State Board Resolution No. 88-63 contains possible exceptions for waters that may not be suitable for drinking water, but that issue is not the subject of this prohibition See also response to Comment # 43.
			Towing	503-506	
		The Winter Canyon Plant works.	Colony Plaza	265-266	Staff acknowledges Colony Plaza's statement that the plant has a life expectancy to about 2031. Staff affirms that the Winter Canyon Plant has had compliance problems since completing an upgrade in 2006, including 39 violations of effluent limits for chloride, total coliform, fecal coliform, enterococcus, BOD (biochemical oxygen demand), turbidity, nitrate-N, and suspended solids. Also, staff acknowledges a correction to the number of violations (actually, 55 versus the 61 reported in the July 31 st draft). See Tech Memo #1, page TM-5). See also response Comment # 25.
		The MWPCP works.	Embree (MWPCP)	309	Staff affirms that the Malibu Water Pollution Control Plant (MWPCP) has had compliance problems since completing an upgrade in 2001, including 235 violations for effluent limits of turbidity, BOD, pH, and fecal coliform. See Tech Memo #1, page TM-5. The upgrade was \$1.3 million and the operation and maintenance cost are \$431,000 per year. In addition to O&M costs, there are \$40,000 to \$50,000 capitol equipment costs for items such as pumps, blowers, and compressors that need replacement every 5 to 10 years. Even after the upgrade, compliance is still an issue.
			Malibu Canyon Village HOA	319	
		Amarillo Beach is not impaired.	Colony Plaza	265-266	Staff acknowledges that there is not a beach monitoring station at the mouth of Winter Canyon. Much of the lower part of the stream in Winter Canyon was hydro-modified in a subsurface storm drain when PCH was improved. Given the relatively high flows of wastewater in Winter Canyon (over 50,000 gpd, see Tech Memo #4, page TM4-9) and pollutants in groundwater (see Tech Memo # 2, Page TM2-7, Wells 23-27 and 53-59), staff believes that pathogens in groundwater impair Amarillo beach, via groundwater flow and subsurface hydromodifications. In addition, alongshore currents carry the pollutants east to Malibu Beach. The beaches on either side of Amarillo Beach (Malibu Beach to the east, and Puerco Beach to the west) are impaired.
			Towing	503-506	

Attachment: Locations of beach monitoring stations (next page)

October 30, 2009

